

**BEFORE THE HEARING COMMISSIONER
FOR SELWYN DISTRICT COUNCIL**

UNDER

the Resource
Management Act 1991

IN THE MATTER

of Private Plan Change
72 (Prebbleton) by
Trices Road Rezoning
Group

**STATEMENT OF EVIDENCE OF MARCUS HAYDEN LANGMAN ON BEHALF OF
THE CANTERBURY REGIONAL COUNCIL AND CHRISTCHURCH CITY COUNCIL**

21 JANUARY 2022

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SUMMARY

1. Canterbury Regional Council (**CRC**) and Christchurch City Council (**CCC**) (collectively the **Councils**), have sought that Private Plan Change 72 (**PC72**) to the Operative Selwyn District Plan (**SDP**), to the extent that it seeks urban levels of development, be declined.
2. The request seeks to rezone the majority of the subject land from Rural Inner Plains to Living Z, with the area identified as 'the Tuff land' from Rural Inner Plans to Living 3 (Hamptons/Birch Road).
3. The Council's consider that PC72 is inconsistent with the agreed strategic planning framework established through *Our Space 2018-2048: Greater Christchurch Settlement Pattern Update* and that it does not give effect to the Canterbury Regional Policy Statement (**CRPS**).
4. It is relevant to note that the request also contains "less preferred relief", being:
 - (a) Option 1 – rezone all of the land to Living Z;
 - (b) Option 2 – rezone the land except for the Tuff land to Living 3A with a minimum average lot size not less than 2000m² and minimum lot size of 1000m²; or
 - (c) Option 3 – rezone all of the land to Living 3.
5. I have reviewed the plan change request and supporting material, Council's s42A officer's report, together with the relevant statutory documents and legislation and, in my opinion, consider that the primary relief sought¹ should be declined because:
 - (a) the additional yield provided by PC72 does not result in significant additional development capacity;
 - (b) the immediate area including the subject land is already planned for rural residential development, which (if it proceeds) will place pressure for further expansion of rural residential development elsewhere by reducing the amount of land available for rural residential growth;

1 Amended application dated 1 June 2021, incorporating further information requested by SDC.

- (c) sufficient development capacity to meet expected housing demand has already been identified over the medium-term, and the proposed housing typologies do not go far enough to align with the housing needs stated in the 2021 Housing Capacity Assessment;
- (d) the request is out of sequence with planned infrastructure development in terms of the Projected Infrastructure Boundary (**PIB**), and the implications of the Medium Density Residential Standards (**MDRS**) in terms of infrastructure development capacity have not been taken into account;
- (e) while the contribution to development capacity is considered minor, the cumulative impact of this and further unplanned greenfield expansion would likely compromise opportunities for intensification elsewhere in Greater Christchurch;
- (f) the government has targeted intensification of existing urban areas through the use of MDRS, with one of the reasons for doing so being to more productively and efficiently use urban land, and reduce pressure for urban expansion/sprawl into greenfield areas, including on to highly productive land.²
- (g) The primary relief in PC72 does not give effect to the following key policies in the Canterbury Regional Policy Statement (**CRPS**):
 - (i) Objective 6.2.1(3) which seeks that *“recovery, rebuilding and development are enabled within Greater Christchurch through a land use and infrastructure framework that..avoids urban development outside of existing urban areas or greenfield priority areas for development unless expressly provided for in the CRPS”*;
 - (ii) Objective 6.2.2 which seeks an urban form that *“achieves consolidation and intensification of urban areas, and avoids unplanned expansion of urban areas by...providing for development of greenfield priority areas (**GPA**), and of land within Future Development Areas (**FDA**) where the circumstances*

² At para 9, Cabinet Paper seeking introduction of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill <https://environment.govt.nz/assets/publications/resource-management-enabling-housing-supply-and-other-matters-amendment-bill-approval-for-introduction.pdf>

in Policy 6.3.12 are met, on the periphery of Christchurch's urban area, and surrounding towns at a rate and in locations that meet anticipated demand and enables the efficient provision and use of network infrastructure";

- (iii) Policy 6.3.1(4) to "*ensure new urban activities only occur within existing urban areas or identified greenfield priority areas as shown on Map A, unless otherwise expressly provided for*", as well as a number of other provisions, particularly Objective 6.2.4, and Policies 6.3.4 and 6.3.5, and the methods identifies in the CRPS which direct territorial authorities to implement the directions set out in the policy statement.
- (h) In relation to the Selwyn District Plan, the limited new provisions sought through PC72 are not the most appropriate to achieve the objectives of the Plan, in particular Objectives B3.3.3, B3.4.5, B3.4.4, B4.3.1, B4.3.3;
- (i) The Section 32 Report and evidence³ filed by the applicant states that Policy 8 of the National Policy Statement on Urban Development 2020 (**NPS-UD**) resolves tension between the provisions of Chapter 6 of the CRPS and PC72. For the reasons explained in this evidence, I disagree;
- (j) In my opinion, the operative CRPS and the higher order NPS-UD provisions can be read together, and there is nothing in the NPS-UD that can be interpreted to override the statutory requirement to give effect to the provisions of the CRPS; and
- (k) taking into account the higher order planning documents, the Selwyn District Council Rural Residential Strategy 2014 (**Rural Residential Strategy**), and the provisions of S32 of the Resource Management Act 1991 (**RMA91**), I consider that the most appropriate zone for the land is the Living 3 Zone (identified by the proponent as less preferred alternative Option 3).

³ S32 para 12, evidence of Fiona Aston at para 15, 79-84.

6. In reaching these conclusions I outline why I consider the CRPS is not inconsistent, or in conflict with, the NPS-UD.
7. I also highlight the importance of strategic planning in Greater Christchurch. The local authorities in Greater Christchurch, together with other agencies and iwi, have undertaken collaborative strategic planning for nearly twenty years. Importantly, increasing supply of housing in greenfields areas will compromise investment in intensification within existing urban areas. This has important knock-on effects in terms of reduced transport efficiency and uptake in public transport, and achieving a 'sinking lid' target for the proportion of greenfield land development to intensification development as set out in the CRPS and Urban Development Strategy (**UDS**).
8. A spatial planning exercise, Greater Christchurch 2050, has recently been initiated by the Greater Christchurch Partnership (**GCP**)⁴ which will involve comprehensive engagement with all affected stakeholders. This process will strategically consider preferred locations for future growth, including identifying the broad locations in which development capacity will be provided over the long term. This will then inform identification of areas for greenfield expansion in the CRPS, which will be given effect to through the respective district plans. In my view, this spatial planning exercise is the preferred option for identifying areas for additional urban development, as opposed to through private plan change applications such as PC72.
9. Given the number of current private plan change requests seeking additional urban development in Selwyn, including outside the PIB in areas that are not contemplated for urbanisation in the CRPS, any planning decisions that are not aligned with the current strategic planning framework and that are made prior to completion of this initiative run the risk of being narrowly framed, based on incomplete information and could potentially undermine the achievement of longer-term outcomes, such as intensification across Greater Christchurch. I consider this a directly relevant, and important, consideration, as approving any of these requests could result in ad hoc development and set a precedent for

4 The Greater Christchurch Partnership consists of Christchurch City Council, Canterbury Regional Council, Selwyn District Council, Waimakariri District Council, Te Rūnanga o Ngāi Tahu, Waka Kotahi/New Zealand Transport Agency and Canterbury District Health Board.

subsequent requests without fully considering the cumulative impacts of other requests. In addition, in my view a collective view should be taken so that there is an umbrella view of how these various private plan change requests will impact on, or undermine, growth scenarios across Greater Christchurch. Furthermore, approval of such proposals are likely to place pressure for further greenfield development on the periphery of Christchurch City and within Waimakariri District Council, because of the precedent that would be set.

INTRODUCTION

10. My full name is Marcus Hayden Langman.
11. I am an independent planning consultant engaged by Canterbury Regional Council (**CRC**) and Christchurch City Council (**CCC**). I hold a Bachelor of Resource Studies from Lincoln University (1998). I have previously appeared as a planning witness for the parties on SDC Private Plan Change 69 at Lincoln.
12. I have 21 years' experience in planning, of which 19 have been in New Zealand. For the last 8 years I have been a sole practitioner, working for a range of private developers, local authorities and non-governmental organisations on consenting and policy matters in Canterbury, Otago, Tasman and the Auckland region.
13. I am currently the lead author for a number of proposed chapters for the district plan review processes for Waimakariri and Waitaki District Councils, and have recently assisted Otago Regional Council with the drafting of the Energy, Infrastructure and Transport chapter as part of the Proposed Otago Regional Policy Statement 2021 process. I am also on the supplier panel for the Tasman Environment Plan. In addition, I have recently prepared section 42A reports and evidence for Queenstown Lakes District Council (**QLDC**) in relation to rezoning requests within the Wakatipu Basin, and have appeared as an expert witness in the Environment Court on behalf of QLDC as part of its district plan review.
14. I assisted the Hearing Panel as part of the Our Space 2018-2048: Greater Christchurch Settlement Pattern Update *Whakahāngai O Te*

Hōrapa Nohoanga process, which constituted the future development strategy (**FDS**) for Greater Christchurch prepared under the National Policy Statement on Urban Development Capacity (**NPS-UDC**).

15. I was contracted as the Principal Planning Advisor to the Independent Hearings Panel for the Christchurch Replacement District Plan, between 2016 and 2018, and assisted the Panel with procedural matters, decision drafting, plan drafting and reviewing. I have been engaged by a number of district councils on subdivision and rural residential plan change matters, as both reporting officer and planning expert. I have also served as an independent planning commissioner on resource consent matters for Kaikōura District Council.
16. Prior to becoming a consultant, I was a Senior Advisor for the Canterbury Earthquake Recovery Authority, and Principal Planner and Team Leader – Policy at Environment Canterbury. I led the review of the Canterbury Regional Policy Statement 2013 (**CRPS**) from 2008 until the CRPS was made operative in January 2013, as well as Chapter 6 of the CRPS that was included with the Land Use Recovery Plan, having re-written the residential component of Proposed Change 1 for inclusion in the LURP to respond to the Canterbury Earthquakes.
17. I also have experience preparing a number of district plan changes for the Auckland City District Plan, and presenting evidence as a planning witness at numerous plan change and resource consent hearings in Auckland on behalf of the former Auckland Regional Council.
18. I have appeared in the Environment Court as an expert planning witness, including appeals on the Queenstown Lakes District Plan, and the Partially Operative Otago Regional Policy Statement (PORPS19) on behalf of the Environmental Defence Society and the Royal Forest and Bird Protection Society in relation to Port-related Activities.
19. While this evidence is for a Council hearing, I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014 and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is

within my area of expertise, except where I state that I am relying on the evidence of another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

Scope of evidence

20. My evidence is presented on behalf of CRC and CCC in relation to PC72 to the SDP and addresses:

- (a) CRC and CCC's interest in PC72 and how it relates to strategic planning in Greater Christchurch;
- (b) the relevant statutory and planning framework, with a focus on the CRPS and the NPSUD; and
- (c) the substantive matters of concern, as outlined in the CRC and CCC submissions, regarding PC72.

21. Where relevant to the matters considered in my evidence, I discuss the analysis and recommendations within the section 42A Report prepared by Jonathan Clease, Consultant Planner for Selwyn District Council (**SDC**), dated 15 December 2021 (**s42A Report**). I have also reviewed the following documents, as relevant:

- (a) the notified PC72 plan change request and further information received;
- (b) the submissions made on PC72, to the extent they are relevant to the interests of CRC and CCC;
- (c) the Resource Management Act 1991 (**RMA**) and the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (**RM Amendment Act**);
- (d) the s42A Report and associated expert evidence;
- (e) the evidence filed by the plan change applicant;
- (f) the National Policy Statement on Urban Development 2020 (**NPS-UD**);
- (g) the CRPS, including Change 1 to Chapter 6 (**Change 1**);
- (h) the SDP and the proposed SDP (**pSDP**);
- (i) Our Space 2018-2048: Greater Christchurch Settlement Pattern Update *Whakahāngai O Te Hōrapa Nohoanga* (**Our Space**), the FDS for Greater Christchurch;

- (j) the Greater Christchurch Housing Development Capacity Assessment (**HCA**), 30 July 2021; and
- (k) Selwyn District Council Rural Residential Strategy, June 2014.

22. I have also reviewed the previous evidence filed on behalf of CCC and CRC in relation to other private plan change requests to the SDP, which have been heard recently. My evidence adopts some of that earlier evidence.

23. I have recently visited the subject site, and nearby land that is subject to other plan change requests, and I am familiar with Prebbleton township and the surrounding area.

CRC and CCC's interest in PC72 and how it relates to strategic planning in Greater Christchurch

24. CRC and CCC are local authorities with statutory functions under sections 30 and 31 of the Resource Management Act 1991 (**RMA**) respectively. In performing these functions, these councils (together with SDC and WDC) have long recognised that urban development interrelationships across the Greater Christchurch sub-region necessitate strong collaborative strategic planning. Since 2003, CRC and CCC have worked together with SDC and other entities through the GCP on planning and managing urban growth and development in Greater Christchurch.⁵

25. This collaboration is supported by further engagement on a raft of mechanisms that assist delivery of agreed strategic objectives, including district plans, district development strategies,⁶ structure plans and town centre strategies. Where necessary, to maintain alignment with these objectives and relevant individual plans of each organisation, the councils also lodge submissions on publicly notified plan changes. In the case of CRC, this is also consistent with its statutory duty under section 84 of the RMA, which states:

⁵ Being the metropolitan urban area comprising towns stretching from Lincoln, Prebbleton and Rolleston in the south to Kaiapoi, Rangiora and Woodend/Pegasus in the north and the rural areas between (as described in the Introduction to Chapter 6 and contained in Map A of the CRPS).

⁶ Such as Selwyn 2031.

“While a policy statement or a plan is operative, the regional council or territorial authority concerned, and every consent authority, shall observe and, to the extent of its authority, enforce the observance of the policy statement or plan”.

- 26.** In relation to PC72, the CCC and CRC submissions address strategic planning matters.
- 27.** The CRC submission is focused on ensuring that the SDP gives effect to the CRPS and that any inconsistency with the regional and district planning framework is avoided. Notable points include:
- (a) The requirement to avoid urban development outside of existing urban areas or greenfield priority areas for development identified on in Map A, Chapter 6;
 - (b) The area is identified for potential rural residential development in the Rural Residential Strategy and the adopted Prebbleton Structure Plan does not identify the land for future urban activities; while it is identified within an urban growth overlay in the proposed Selwyn District Plan, the combination of the above matters signal it is to facilitate rural residential development only;
 - (c) CRPS Policy 6.3.9(7) states that a rural residential development area shall not be regarded as in transition to full urban development;
 - (d) That the nature, timing and sequencing of new development should be integrated with funding, implementation and operation of transport and other infrastructure, and that potential future but unconsented upgrades to Selwyn District’s reticulated services should not be relied on;
 - (e) The plan change area is not well serviced by public transport services;
 - (f) The proposal needs to demonstrate how effective provision is made for a range of transport options, including public transport, and while a business case to investigate mass rapid transit is being progressed, it is too early to determine if this can be relied upon;

- (g) The proposal does not sufficiently address wider transport and environmental impacts arising from trips into Christchurch City, nor does it take into account potential for other proposed plan changes to impact on efficiency of the network;
- (h) There will be impacts on on versatile soils, which conflicts with the SDP and directions contained in the draft National Policy Stratement on Highly Productive Land (**NPS-HPL**);
- (i) The anticipated yield of 290 households allotments is not considered significant in the context of Greater Christchurch;
- (j) The type of housing proposed to be delivered is not suffienctly diverse and limits the ability to deliver a range of smaller housing types, for which a need has been identified through reports commissioned by the Greater Christchurch Partnership; and
- (k) For the reasons above, the plan change as proposed is not considered to contribute to a well functioning urban environment that is well connected.

28. The CCC submission:

- (a) Notes that the scale for considering “significant development capacity” should be at a Greater Christchurch level, not at a Selwyn District level;
- (b) Recognises that the CRPS seeks to avoid urban development outside of existing urban areas or greenfield priority areas, unless expressly provided for in the CRPS, and could delay other growth and urban regeneration areas identified in Our Space, where infrastructure and the public transport system, has already been built and served;
- (c) References the transport implications on Christchurch City, and notes that the proposal relies on future public transport that has not been funded, which has implications in terms of transport efficiency and contributions to climate change, noting that it is unclear how the proposal will achieve a reduction in greenhouse gas emmissions;
- (d) Seeks a higher minimum density requirement of 15 households/hectare to support viable public transport if approved; and

- (e) Seeks that any outcomes from the Social and Affordable Housing Action Plan are incorporated into the plan change, if approved.

29. Both submissions consider PC72 is inconsistent with the agreed strategic planning framework established through Our Space and the CRPS and seek that the request be declined.

STATUTORY AND PLANNING FRAMEWORK

30. The statutory tests to be applied for determining the most appropriate provisions in the district plan are set out below:

- (a) *whether the provisions accord with and assist the Council in carrying out its functions and achieve the purpose of the Act (section 74(1) of the Act);*
- (b) *whether the provisions accord with Part 2 of the Act (section 74(1)(b));*
- (c) *whether the provisions give effect to the regional policy statement (section 75(3)(c);*
- (d) *whether the provisions give effect to a national policy statement (s75(3)(a);*
- (e) *whether the territorial authority has had regard to the actual or potential effects on the environment of activities, including, in particular, any adverse effect (s76(3);*
- (f) *the extent to which the objectives are the most appropriate way to achieve the purpose of the Act (s32(1)(a));*
- (g) *whether the policies and methods are the most appropriate way to achieve the objectives, having regard to their efficiency and effectiveness (s32(1)(b)) and taking into account (under s32(2):*
 - (i) *the benefits and costs of the proposed policies and methods; and*
 - (ii) *the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules of other methods.*

31. Specifically, section 75(3) of the RMA requires that:

A district plan must give effect to –

(a) any national policy statement; and

.....

(c) any regional policy statement.

32. In addition, when preparing or changing a district plan, section 74(2) requires the territorial authority to have regard to:

(b) any—

(i) management plans and strategies prepared under other Acts;

..... and

(c) the extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities.

33. This section of my evidence addresses certain aspects of the statutory framework. Firstly, it describes relevant aspects of both the NPS-UD and Chapter 6 of the CRPS in the context of the collaborative strategic planning that has occurred in Greater Christchurch. Secondly, it then provides my opinion on if and how the NPS-UD is relevant to PC72, considers the interplay between giving effect to both the NPS-UD and the CRPS and whether there is a conflict in the provisions, and if so, how such conflict can be resolved.

National Policy Statement on Urban Development 2020

34. The NPS-UD came into force on 20 August 2020,⁷ replacing the NPS-UDC. It applies to all local authorities that have all or part of an urban environment within their district or region, and to planning decisions by any local authority that affect an urban environment.⁸ An urban environment means any area of land that is, or is intended to be, predominantly urban in character and is, or is intended to be, part of a housing and labour market of at least 10,000 people.⁹

⁷ NPSUD Cl. 1.2(1)

⁸ NPSUD Cl. 1.3 Application.

⁹ NPSUD Cl. 1.4 Interpretation.

35. The NPS-UD identifies Christchurch as a Tier 1 urban environment.¹⁰ Although the NPS-UD does not identify the geographic extent of the Christchurch urban area it specifies CRC, CCC, SDC and WDC as Tier 1 local authorities relevant to this area.¹¹
36. The NPS-UD contains 8 objectives and 11 policies. No objectives or policies are expressed as having priority over another. The introductory guide to the NPS-UD confirms this where it states: “*Policies in the NPS-UD interact and affect the interpretation and implementation of each other*”.¹² The NPS-UD also sets out the implementation of the objectives and policies in Part 3, providing for implementation methods set out in 3.1-3.38.
37. Objective 1 of the NPS-UD is that New Zealand has “well-functioning urban environments”. The direction to achieve ‘well-functioning urban environments’ informs many of the policies and provisions in the NPSUD, including Policies 1, 6 and 8.¹³ To give effect to Policy 1, planning decisions must contribute to well-functioning urban environments, which are described at sub clauses (a)-(f). The wording used in Policy 1, and the supporting Ministry for the Environment (**MfE**) guidance, recognises however that the list in Policy 1 is not exhaustive.¹⁴ I provide my assessment of PC72 in relation to contributing to a well-functioning urban environment later in my evidence.
38. The other objectives and policies that I consider to be particularly relevant to the matters raised by PC72 are summarised below (**bold** my emphasis):

Objective 2 - that planning decisions **improve housing affordability**;

¹⁰ NPSUD Appendix Table 1

¹¹ Our Space, the future development strategy adopted by each of these local authorities, has determined that the Greater Christchurch area (as identified in Map A of Chapter 6 of the CRPS) is the relevant urban environment for the purposes of the NPS requirements.

¹² Introductory Guide to the National Policy Statement on Urban Development 2020, p10.

¹³ The associated factsheet on well-functioning urban environments states that Policy 1 “*sets direction for the intended outcomes of the NPS-UD*”, p1.

¹⁴ Policy 1 uses the term “*as a minimum*” and the above factsheet states, p2: “*The NPS-UD does not provide an exhaustive list of factors that contribute to well-functioning urban environments. There are other factors that contribute to the outcomes that councils and other decision-makers may wish to consider alongside those of the NPS-UD, such as principles of urban design.*”

Objective 3 - enable **more** residents and jobs in areas of an urban environment **in or near employment centres**, (and/or) **well-serviced** by existing or planned public transport, (and/or) where there is **high demand relative to other areas**;

Objective 6 - decisions on urban development are **integrated with infrastructure planning and funding**, strategic over the medium term and long term, and **responsive to significant development capacity proposals**;

Objective 8 - urban environments **support reductions in greenhouse gas emissions** and are resilient to the effects of climate change;

Policy 2 - local authorities, at all times, **provide at least sufficient development capacity to meet expected demand** for housing and for business land over the short term, medium term, and long term;

Policy 6 - when making planning decisions, decision makers must have **particular regard to the planned urban built form anticipated by RMA planning documents**, the benefits of and changes resulting from urban development, and the relevant contribution to provide or realise development capacity;

Policy 8 – Local authority decisions affecting urban environments **are responsive to plan changes** that would add significantly to development capacity **and contribute to well-functioning urban environments**, even if the development capacity is unanticipated by RMA planning documents, or out-of-sequence with planned land release;

Policy 10 - local authorities that share jurisdiction over urban environments work together when implementing this National Policy Statement and engage with infrastructure providers to achieve **integrated land use and infrastructure planning** and the development sector to identify development opportunities.

39. Finally, I note two clauses within the balance of the NPS-UD that provide further direction on two important matters.

- (a) First, relative to Policy 2, Clause 3.2.2 directs that at least sufficient development capacity is provided to meet expected demand for housing. ‘Sufficient development capacity’ for housing as set out in that clause means development capacity that is:
 - (i) plan-enabled (i.e. in relation to the short term, zoned in an operative district plan; in relation to the medium term zoned in an operative or proposed district plan; in relation to the long term, zoned or identified for future urban use or intensification in an FDS);¹⁵
 - (ii) infrastructure-ready (i.e. development infrastructure is available (short term), funded (medium term), or identified in a local authority’s infrastructure strategy (long term));¹⁶
 - (iii) feasible and reasonably expected to be realised;¹⁷ and
 - (iv) for Tier 1 and 2 local authorities, required to meet the expected demand plus the appropriate competitiveness margin.¹⁸
- (b) Second, the Policy 8 requirement for local authority’ decisions to be responsive to plan changes that would add significantly to development capacity is elaborated on by clause 3.8. Clause 3.8 requires that local authorities must have ‘particular regard’ to the development capacity provided by the plan change only if that development capacity:
 - (i) would contribute to a well-functioning urban environment; and
 - (ii) is well-connected along transport corridors; and
 - (iii) meets the criteria set and included in a regional policy statement, that determine what plan changes will be

15 NPSUD 2020 Part 3, sub-part 1, clause 3.4(1)

16 NPSUD 2020 Part 3, subpart 1, clause 3.4(3)

17 NPSUD 2020 Part 3, subpart 5, clause 3.26

18 NPDUD 2020 Part 3, subpart 1, clause 3.2

treated as adding significantly to development capacity.

40. CRC has initiated but not yet completed work to formulate and include such criteria in the CRPS in response to clause 3.8(3). When developed these criteria will, to my understanding, guide the determination of what constitutes 'significant development capacity' in a Greater Christchurch and Canterbury context.¹⁹ Given the criteria are not yet operative, the plan change cannot achieve criterion (b)(iii) above, and it is my evidence that the plan change does not achieve (b)(i) or (b)(ii).
41. It is important, in my view, to carefully consider the wording of Policy 8 and Clause 3.8, and the language used to express the policy. Policy 8 requires that local authority *decisions* are 'responsive to' plan changes, and that 'particular regard' is had to development capacity. In my view, this requires careful consideration of a proposal, but it does not override the much more directive duty under section 75 of the RMA to 'give effect' to higher order documents. This is important when considering the requirement to give effect to both the NPS-UD and the CRPS. 'Giving effect' to the NPS-UD means that, as per the wording of clause 3.8(2), decision-makers need to have 'particular regard' to additional development capacity. However, in doing so they must also consider other relevant higher order policy direction which may require a different approach.

Canterbury Regional Policy Statement

42. The policy framework in the operative CRPS that is relevant to urban development is primarily found in Chapters 5 - Land Use and Infrastructure and 6 - Recovery and Rebuilding of Greater Christchurch. Some of the issues and objectives within Chapter 5 apply across the entire Canterbury region, while others apply outside the Greater Christchurch area. For the Greater Christchurch area, the issues to be resolved, and the manner in which the objectives are to be implemented, are set out in Chapter 6. Given Prebbleton is located within Greater Christchurch my evidence concentrates on the Chapter 6 provisions.

¹⁹ Noting that Timaru and Ashburton also qualify as urban environments under the NPSUD.

43. Chapter 6 provides the resource management framework for earthquake rebuild and recovery in Greater Christchurch through to 2028. Its insertion into the CRPS was directed by the Minister for Canterbury Earthquake Recovery through the Land Use Recovery Plan 2013 (**LURP**). Chapter 6 also implements the strategic direction provided in the Greater Christchurch Urban Development Strategy 2007 (**UDS**).
44. Chapter 6 was prepared in order to promote a more sustainable urban environment, and tackle the challenges identified in Issues 6.1.1 to 6.1.5. Chapter 6 provides a directive framework for urban growth and development within Greater Christchurch that seeks to consolidate existing urban settlements, this being considered the form of development most likely to minimise the adverse effects of travel for work, education, business and recreation, minimise the costs of new infrastructure and avoid adverse effects of development on sensitive landscapes, natural features and areas of high amenity.
45. A key feature of Chapter 6, and the UDS, is to provide for sustainable growth, along with certainty about where and how this is to occur, by providing a framework which enables greenfield growth in the Greater Christchurch Area, as outlined in Map A of Chapter 6, and also provides for intensification within existing urban areas. This is noted in Issue 1, which reads:

How to provide certainty to the community and businesses around how Greater Christchurch will accommodate expected population and household relocation and growth, housing needs and economic activity during the recovery period in an efficient and environmentally sustainable manner. This includes providing for a diverse community with a range of incomes, needs and business types.

46. This is elaborated on by Objective 6.2.2 which, among other things, sets targets for intensification through the period to 2028. Objective 6.2.2 reads:

The urban form and settlement pattern in Greater Christchurch is managed to provide sufficient land for rebuilding and recovery

needs and set a foundation for future growth, with an urban form that achieves consolidation and intensification of urban areas, and avoids unplanned expansion of urban areas, by:

1. aiming to achieve the following targets for intensification as a proportion of overall growth through the period of recovery:

- a. 35% averaged over the period between 2013 and 2016*
- b. 45% averaged over the period between 2016 to 2021*
- c. 55% averaged over the period between 2022 and 2028;*

...

47. The explanation to Objective 6.2.2 recognises that there is a need for greater intensification within Christchurch's urban areas, and that this will reduce the need for further expansion of peripheral areas. It also recognises that while the majority of intensification will take place within Christchurch City rather than Selwyn or Waimakariri, the contribution of these areas to the overall growth pattern is important.
48. In light of this, development of greenfield land outside of that planned in the CRPS has a two-fold impact. It increases the amount of land for greenfield development, and as a proportion of the overall supply of housing then impacts on the ability to achieve intensification targets within Greater Christchurch. If greenfield development is significantly increased above levels anticipated, this will have a flow on effect of proportionally reducing the success of delivery of housing through intensification of existing brownfield areas.
49. Other key features of Chapter 6 are:
- (a) Identification of the existing urban area (along with a Projected Infrastructure Boundary (**PIB**), which I note has no accompanying policy associated with it);
 - (b) Greenfield Priority Areas (**GPAs**) adjacent to the Christchurch urban area and certain towns in the Selwyn and Waimakariri Districts;
 - (c) Policies to avoid urban development outside of identified locations; and

- (d) Inclusion of Map A, which accompanies the policy provisions and clearly depicts the Greater Christchurch area and areas identified for urban development.

- 50. Map A identifies the location and extent of urban development that will support recovery, rebuilding and planning for future growth and infrastructure delivery in Greater Christchurch. All land identified for urban development is located within the PIB, as this constitutes the area that the relevant local authorities and other infrastructure providers have agreed can be serviced with necessary and planned supporting urban infrastructure.²⁰
- 51. The Chapter 6 requirement to avoid urban development outside of the areas identified on Map A is deliberately strict. It was anticipated through the preparation of Chapter 6 that there would be requests for development adjoining existing townships, which led to the notification of the 'avoidance' framework. This framework provides certainty and targeting of investment (including infrastructure) into *planned* greenfield areas, and enables the community to understand and appreciate where greenfield development will take place. In addition to this certainty, it also acts as a tool to ensure that where greenfield development was not available, that resources and investment in housing markets would be targeted at intensification within existing urban areas rather than 'testing' development locations for further greenfield development on the periphery of urban areas through a range of private plan change requests.
- 52. Intensification is a key tool to achieve a number of outcomes in the CRPS, including efficient use of land, increase in uptake of public transport and increased transport efficiency, and the subsequent contribution of that efficiency to reducing carbon emissions to limit impacts from climate change. It is noted that the RM Amendment Act also looks to direct, or provide for significant incentives for, intensification.

²⁰ The PIB was inserted into the LURP as the indicative area reflecting local authority infrastructure strategies that were required to be prepared after amendments to the LGA2002 in 2014. My understanding is that these areas were indicative only and had little planning input as to the suitability of land for urban development, which would take place at a later date. As such, there is no accompanying policy around the PIB in Chapter 6.

53. Along with generating certainty for development, the Chapter 6 framework encourages the sustainable and self-sufficient growth of the key Greater Christchurch towns, enables efficient long-term planning and funding for strategic, network and social infrastructure (such as schooling and healthcare), and protects significant natural and physical resources.
54. On 28 May 2021, the Minister for the Environment (**the Minister**) approved Change 1 to Chapter 6 via a streamlined planning process. Change 1 implements agreed actions in Our Space and supports the requirement in the NPS-UD for local authorities to provide at least sufficient development capacity to meet expected demand for housing and business land over the short, medium, and long term.
55. When CRC provided its recommendation report to the Minister it included an evaluation of Change 1 against the relevant statutory framework, which included the NPS-UD. The evaluation documented how Change 1 would give effect to the NPS-UD. In approving Change 1 the Minister specifically acknowledged that CRC had complied with the RMA, regulations made under it, and any relevant national direction.
56. In summary, Change 1 amended Chapter 6 and Map A of the CRPS to identify Future Development Areas (**FDAs**) within the existing PIB in Rolleston, Rangiora and Kaiapoi, and inserted associated policy provisions which enable land within these areas to be rezoned by the Selwyn and Waimakariri District Councils if required to meet their medium term (10 year) housing needs.²¹ Change 1 was made operative on 28 July 2021.
57. The policy framework in Chapter 6 now provides for the development of land within existing urban areas, greenfield priority areas, and FDAs (where the circumstances set out in Policy 6.3.12 are met) at a rate and in locations that meet anticipated demand and enables the efficient provision and use of network infrastructure.²² Urban development outside of these identified areas is to be avoided, unless expressly provided for in the CRPS.²³

21 Policy 6.3.12

22 Objective 6.2.2

23 Objective 6.2.1 and Policy 6.3.1.

- 58.** As discussed later in my evidence, PC72 relates to land that has not been identified as a GPA or FDA, and nor is development of the land for urban purposes expressly provided for in the CRPS.
- 59.** Other provisions in the CRPS that are relevant to PC72 include:
- (a) Objective 6.2.1a - that sufficient, feasible development capacity for housing is enabled in Greater Christchurch in accordance with the targets set out in Table 6.1;
 - (b) Objective 6.2.4 - which prioritises the planning of transport infrastructure so that it maximises integration with priority areas and settlement patterns, and Policies 6.3.4 and 6.3.5 which support this objective, and others, in respect of transport effectiveness and the integration of land use and infrastructure;
 - (c) Policy 6.3.7 – which specifies minimum densities to be achieved in order to efficiently utilise identified areas and create a compact urban form with appropriate development controls that support more intensive developments;
 - (d) Policy 6.3.9 – which sets out the conditions for development of land for rural residential development, and requires any rural residential development to be in accordance with an adopted rural residential strategy; and
 - (e) Policy 6.3.11 – which prescribes the monitoring and review methods to demonstrate there is an available supply of residential and business land and provides the circumstances for initiating a review of the extent and location of land for development.

Strategic planning in Greater Christchurch

- 60.** As noted earlier, the relevant local authorities, together with other agencies and iwi, have been involved in collaborative strategic planning through the GCP for nearly twenty years. This collaboration has been in recognition of the interconnected nature of the Greater Christchurch urban environment and the complexity of the statutory legislation that underpins how councils enable and accommodate urban growth.²⁴

²⁴ Integrated decision making must traverse the RMA 1991, Local Government Act 2002, Land Transport Management Act 2003 and a range of other supporting statutes.

- 61.** Collaborative strategic planning enables cross-agency tensions to be resolved, provides certainty for investment decisions (for councils, other infrastructure providers and the development sector), and provides the lens to achieve long term environmental and wellbeing outcomes. In many ways the NPS-UD (including Policy 10) and the current review of resource management legislation are only now catching up with voluntary partnership arrangements that have been successfully operating in Greater Christchurch over this time.
- 62.** Strategic planning exercises such as the UDS, Our Space, and more recently the Partnership's Greater Christchurch 2050 Strategic Framework, can offer more integrated and accessible mechanisms to galvanise wider community engagement than standard RMA processes. Agreed strategic directions can then be consistently anchored in statutory and non-statutory plans which provide greater detail and reflect local circumstances.
- 63.** Importantly, a comprehensive spatial planning exercise has recently been initiated by the GCP in conjunction with delivery of the Greater Christchurch 2050 Strategic Framework and the establishment of an Urban Growth Partnership with the Crown. It is my understanding that the Greater Christchurch Spatial Plan will fulfil the FDS requirements of the NPS-UD, as well as integrating the future mass rapid transit and public transport business cases currently underway to determine routes and investment requirements to significantly improve the provision of public transport services across Greater Christchurch.
- 64.** Through this spatial planning exercise there will be opportunities to undertake comprehensive engagement and strategically consider preferred locations for future greenfield growth, including identifying the locations (greenfield and otherwise) in which development capacity will be provided over the long term. I expect this exercise will take into account the cumulative impacts of additional areas proposed for development, changes as a result of impending legislation, as well as the impact that this may have on achieving effective intensification within existing urban areas.

65. In my view, if SDC were to approve this, and other, plan changes ahead of the wider strategic planning exercise being completed, this could result in ad hoc development and set a precedent for subsequent decision-making without fully considering the cumulative impacts of other requests, or having analysed alternative growth scenarios.
66. In my view (and with reference to NPS-UD Objective 6(b)), any planning decisions that are not aligned with the current strategic planning framework and that are made prior to completion of the strategic planning work that is underway run the risk of being narrowly framed, based on incomplete information and could potentially undermine the achievement of longer-term outcomes set by the GCP following extensive engagement with communities. I acknowledge, however, that the NPS-UD requires local authorities to be responsive to unanticipated or out-of-sequence proposals, and for the reasons set out below consider that this is possible within the current CRPS framework, but not for PC72 unless a companion change to the CRPS is sought.
67. In terms of timing, I understand that the spatial plan exercise is expected to be completed within the next two years (but with earlier engagement on broad scenarios and options in mid-2022), to inform the 2024 Long Term Plans (**LTPs**) as required by the NPS-UD. This work will inform a full review of the CRPS, which is scheduled to be notified in 2024,²⁵ and at a more local level the proposed development of an area plan for the Greater Christchurch part of the Selwyn District.²⁶
68. Finally, it is relevant to note that in July 2021 the GCP collaboratively prepared and published a Housing Capacity Assessment (**2021 HCA**),²⁷ in accordance with the requirements of the NPS-UD, which I rely on. The 2021 HCA provides an assessment of expected housing demand and the sufficiency of development capacity, through to 2051. Table 3 within the 2021 HCA shows that, with the inclusion of the FDAs identified through Change 1, there is sufficient development capacity (including the required competitiveness margin) within Selwyn, Waimakariri and Christchurch City, to meet expected housing demand at least over the

25 Environment Canterbury Long Term Plan 2021-2031, p90

26 Appendix K to s42A report: Growth Planning memorandum from Mr Ben Baird, paragraph 38.

27 Greater Christchurch Housing Development Capacity Assessment, 30 July 2021.

medium term (i.e. 2021 to 2031).²⁸ I also note that, with the RM Amendment Act being legislated, this significantly impacts the potential for intensification and development capacity within existing urban areas, and increases the ability of existing urban areas to meet demand through re-development.

RECONCILING THE NPSUD, CRPS AND THE STRATEGIC PLANNING FRAMEWORK

69. The planning report accompanying PC72 states that the NPS-UD resolves any conflict, by over-riding the CRPS and the directive provisions of Chapter 6, which requires avoidance of urban development outside of existing urban areas, GPAs and FDAs.²⁹ However, nowhere in the section 32 report or application material does the author closely examine the wording of Policy 8 of the NPS-UD, or explain how it “resolves” this perceived tension.
70. In my view, it is possible to interpret and apply the NPS-UD and CRPS in a manner that does not create tension or conflict. While I acknowledge that there is a legal aspect to this, I consider the CRPS, and its avoid framework in Chapter 6, to represent a method that achieves the requirements of the NPS-UD when it is read as a whole. The reason I say this is that Policy 8 in my view provides a pathway for providing flexibility to allow for responsive decision-making (subject to certain criteria being met), but it does not direct any substantive outcome.
71. It is my planning opinion that:
- (a) The NPSUD and the CRPS can be reconciled together, in a way that does not absolve the need to comply with the directive elements of the CRPS;³⁰ and
 - (b) If the applicant is correct that there is insurmountable tension or conflict, then the proper approach would be to either:

28 As noted in paragraph 31(a), the NPSUD only requires development capacity required in the long term to be identified within an FDS, and in relation to development infrastructure within a local authority's infrastructure strategy.

29 Page 56, 57; para 169 Page 64,

30 *Environmental Defence Society Inc v The New Zealand King Salmon Co Ltd* [2014] NZSC 38, [2014] 1 NZLR 593 (*King Salmon*) at [129]

- (i) seek an amendment to the CRPS;³¹ or
- (ii) refer the matter to the Environment Court under section 82(2), which is a clause that provides relief where there is a disagreement about whether an RPS gives effect to a National Policy Statement.

72. In full, Section 82(1) and (2) states:

82 *Disputes*

(1) Subsection (2) applies if there is a dispute about—

...

- (c) whether a regional policy statement or a plan gives effect to a national policy statement or New Zealand coastal policy statement or a national planning standard.*

(2) A Minister or local authority responsible for a relevant national policy statement, New Zealand coastal policy statement, a national planning standard, policy statement, plan, or order may refer a dispute to the Environment Court for a decision resolving the matter.

73. I do not consider it appropriate, or necessary, to simply set aside the provisions of the CRPS in favour of a narrow reading of the NPS-UD, as is sought by the plan change applicant.

74. The Supreme Court has provided decision-makers under the RMA with guidance as to the correct approach to giving effect to higher order documents, by determining which policies give decision-makers flexibility in implementation in lower order planning documents, and how they inter-relate. As a planner, my understanding of that decision is that decision-makers should:³²

- (a) Identify the policies that are relevant.
- (b) “Pay careful attention to the way in which they are expressed”. The words used are significant.
- (c) Policies “expressed in more directive terms will carry greater weight than those expressed in less directive terms”. Some are

31 This can only be done under Schedule 1 at the instigation of a Minister of the Crown, the regional council, or a territorial authority under section 60 (2) of the RMA.

32 *King Salmon* at [129]

expressed “in such directive terms that the decision-maker has no option but to implement it”.

- (d) Phrases/verbs that indicate flexibility and allow scope of choices in implementation include:³³
 - (i) “take account of”
 - (ii) “take into account”
 - (iii) “have (particular) regard to”
 - (iv) “consider”
 - (v) “recognise”
 - (vi) “promote”
 - (vii) “encourage”
- (e) Phrases/verbs that are specific and prescriptive and do not allow scope for choices in implementation include:
 - (i) “avoid”
 - (ii) “are directed to”
 - (iii) “do not allow”
 - (iv) “require”

Policies are “not inevitably in conflict or pulling in different directions”. Apparent conflict is likely to dissolve “if close attention is paid to the way in which policies are expressed”.³⁴

- 75.** It is my view that “being responsive to plan changes” and “having particular regard to significant development capacity” in Policy 8 and clause 3.8(2) of the NPS-UD is not as directive as the language used in Section 6 of the CRPS, and that this is relevant to the consideration of the higher order documents required in this case.

The NPS-UD

- 76.** In relation to the request for urban development (as opposed to the rural residential option proposed by the proponent as a less preferable option), I now address the key point of contention between CCC / CRC, and the applicant, being the approach to applying the NPS-UD and the ‘responsive planning framework’ provisions.

³³ *King Salmon* at [127]

³⁴ *King Salmon* at [126]

- 77.** Criteria have not yet been included in the CRPS to determine what constitutes “significant development capacity” in the Greater Christchurch context. Mr Cleese accepts that an additional 300 houses is very much at the smaller end of what might be considered “significant”, but then notes that in the wider context of annual growth in Selwyn, being approximately 1,200 households per year, that given it represents 25% of annual demand, that it passes the “significant” threshold.³⁵
- 78.** I consider this analysis problematic, as it does not take into account:
- (a) Planned growth in existing GPAs and FDAs; or
 - (b) Unplanned growth subject to the numerous private plan changes currently before Selwyn District Council.
- 79.** I set out those figures below in relation to the private plan changes currently lodged with Selwyn District Council in ascending order by proposed yield, noting that these figures are going to be potentially significantly higher in all relevant residential zones throughout the urban environment of Selwyn (as defined by the NPSUD) with the implementation of the RM Amendment Act:

Plan change request number	Location	Approx. number of residential lot developments
74	West Melton	130
67	West Melton	131
76	Rolleston	150
75	Rolleston	280
72	Prebbleton	295
81	Rolleston	350
79	Prebbleton	400
62	Leeston	410

³⁵ S42A Report at para 164

Plan change request number	Location	Approx. number of residential lot developments
63	Darfield	440
77	West Melton	525
71	Rolleston	440 + 220 deferred
78	Rolleston	750
70	Rolleston	800 + commercial
68	Prebbleton	820
82	Rolleston	1320
69	Lincoln	2000 + commercial
73	Rolleston	2100 + commercial

- 80.** The figures set out above represent a minimum increase of 11,561 households (not taking into account increased yield in Lincoln and Rolleston as a result of the MDSR), should all of the private plan changes be approved. This amounts to approximately 10 years worth of growth on the basis of Mr Cleese's annual growth figures. This does not take into account planned development within the FDAs and GPAs in the district, which have been allocated to meet anticipated demand for Greater Christchurch. In this context, the contribution of 300 additional houses is in my view insignificant, and I do not consider that the contribution made by the requested rezoning can reasonably be considered to constitute significant development capacity.
- 81.** Noting the context above, this highlights the risk of determining what constitutes significant development capacity prior to criteria going through a public process and being agreed and included in the CRPS, which I address below.
- 82.** Irrespective of whether PC72 will add significant development capacity or not, Policy 8 only requires that decision makers are 'responsive' to

plan changes that meet the requirements of Policy 8. As I have noted earlier, the CRPS anticipated that proposals would be made that seek to develop land on the periphery of urban areas, and deliberately included policies and methods designed to 'avoid' such development.³⁶ The NPS-UD does not define what 'responsive' means,³⁷ and this is not addressed in the S42A report or the Plan Change application material.

83. In my opinion, 'responsive' can involve several actions, including receiving and notifying a plan change, or alternatively, if SDC or CRC thought it was warranted, seeking a change to the CRPS to provide for the additional development. Neither local authority has done so in this case, or for the other plan change requests that are being heard at present. That is because, in my view, wider considerations should be taken into account, which should properly be assessed through the review of the CRPS. Approaching urban expansion in this way ensures proper strategic alignment, rather than ad hoc consideration and development. I also note that providing significant development capacity applies to both greenfield and existing urban areas (including development of brownfield sites). In my view, this does not nullify a policy approach that looks to avoid additional greenfield development above the levels planned for in the CRPS.
84. The only matter missing within the CRPS at this point is the clause 3.8 criteria which will guide the assessment of what constitutes "significant development capacity". I understand that through the hearings for the pSDP, some submitters have suggested that the CRPS is inconsistent with the need for flexibility that is required by the NPS-UD. On this point, I make the following observations:
- (a) While the NPS-UD requires local authorities to be responsive to plan changes, that is only if relevant requests satisfy certain criteria. There is nothing express or inherent in the NPS-UD that demands flexibility more generally to enable all urban growth

36 A number of submissions were made on the draft Land Use Recovery Plan seeking extra flexibility in Policy 6.3.1 in relation to the 'avoid' approach; these were rejected by the Minister for Canterbury Earthquake Recovery, refer Appendix 3 of the recommendations report submissions 15, 17, 18, 20, 23 <https://www.greaterchristchurch.org.nz/assets/Documents/greaterchristchurch/Plans/LURPReviewDecisionReportwithRecommendations.PDF>

37 The on-line Oxford Learner's Dictionary define 'responsive' as "reacting quickly and in a positive way" or "reacting with interest and enthusiasm"

and greenfield expansion. Instead, the NPS-UD places an emphasis on integrated decision-making to achieve well-functioning environments. There still remains opportunities for Councils to seek changes to the CRPS to include additional greenfield land for development;

- (b) Chapter 6 of the CRPS provides clear strategic direction for urban development that in my view better contributes to a well-functioning urban environment for Greater Christchurch and now, with the inclusion of Change 1, gives effect to Policy 2 of the NPS-UD;
- (c) Part 4 of the NPS-UD sets out the important timeframes for implementing aspects of the NPS-UD and so far these have been achieved (i.e. through completion of the 2021 HCA). Outside of these specific timeframes, local authorities must amend their regional policy statement or district plan to give effect to the provisions of the NPS-UD as soon as practicable;
- (d) CRC has, in my view correctly, prioritised completion of the 2021 HCA, adoption of Change 1, and development of a FDS through the Greater Christchurch Spatial Plan, over finalising the criteria under clause 3.8(3), as these steps are a more immediate, clearer and prudent way to identify additional development capacity as required by Policy 2 of the NPS-UD, particularly when 'significance' (in my view) should be assessed against development capacity needs for urban environments. When CRC implements clause 3.8(3), it will need to clarify how the intent of Policy 8 is interpreted and enabled alongside the existing CRPS policy provisions that seek to avoid urban development on land outside the PIB. These criteria will naturally need to engage with demand, need and sufficiency, so that a merits case for unanticipated growth can be assessed. In my view, it is essential that this goes through a notified change process to the CRPS;
- (e) Ahead of the inclusion of the criteria under 3.8(3) in the CRPS, the MfE guidance on the responsive planning policies provides quantitative and qualitative factors to determine what constitutes significant development capacity;
- (f) Ahead of the clarification signalled in (d) a pathway open to applicants seeking plan changes outside the PIB, that would

give effect to both the CRPS and the NPSUD, would be to request that SDC (if it intends on approving a private plan change request) also propose to CRC a companion change to the CRPS to enable development in a manner that does not conflict with the Chapter 6 avoid framework. This has not occurred in relation to PC72, or for other plan change requests to the SDP;

- (g) I note that having identified FDAs through Change 1, the CRPS has already enabled a level of responsive planning to occur. Plan changes seeking to develop land in the FDAs which is currently not zoned for urban activities may now be able to justify a greater level of consistency with the statutory planning framework; and
- (h) Objective 6 of the NPS-UD requires that decisions are both integrated with infrastructure and strategic over the medium and long term. This recognises the importance of the strategic planning framework and confirms that Policy 8 should not operate in isolation from the balance of the NPS-UD, or the relevant CRPS provisions.

85. The applicant agrees that Greater Christchurch is the applicable “urban environment”.³⁸ I agree that the relevant urban environment is Greater Christchurch for the purpose of applying the NPS-UD. This approach aligns with the position adopted in Our Space by the GCP and the information provided with the PC72 request in relation to the significant transport and employment links that Prebbleton has with Christchurch City.

86. With reference to Policy 1 of the NPS-UD, I do not consider that PC72 will provide for a ‘well-functioning urban environment’, as, even though its contribution to development capacity is small, it could compromise investment in intensification by continuing urban sprawl into greenfield areas. In my view, this does not ‘limit as much as possible adverse impacts on the competitive operation of land and development markets’.³⁹ Further, it has not been demonstrated that the proposal will contribute to targets that seek a ‘sinking lid’ of greenfield development

³⁸ Paragraph 131, Application for Private Plan Change
³⁹ NPSUD Policy 1(d).

and an increase in intensification as expressed in CRPS Objective 6.2.2.1. That Objective provides that over time, the proportion of greenfield development, against intensification, reduces through the period to 2028.

87. According to the MfE guidance on the NPSUD, adding significantly to development capacity requires fulfilling an identified demand.
88. As outlined in paragraph 68, the recent 2021 HCA confirms that sufficient development capacity to meet expected housing demand over the medium term has already been identified in the CRPS.
89. Furthermore, the 2021 HCA assesses trends in household composition, affordability, tenure and the resultant housing typologies most suited to future housing needs. It reconfirms previous analysis showing the *“large growth in one person households and ‘couples without children’ households, for both ownership and rental. In terms of housing typology, Greater Christchurch’s aging population leads to significant growth in the number of one person and couple only households, resulting in a significant increase in the demand for smaller and multi-unit dwellings”*. As discussed later in my evidence, as proposed, I do not consider that PC72 goes far enough in providing housing typologies and tenures that align with these future housing needs/demands such that it could be considered to set itself apart from the nature of developments currently being advanced through other plan changes that are within the existing urban area, although this may be overcome by the introduction of MDRS (subject to no developer covenants⁴⁰ being placed on the subject land).
90. I consider the merits of PC72 and its request for urban levels of development would be better considered in conjunction with and subsequent to a broader assessment of the desirability of additional urban growth in and around Prebbleton. As noted earlier, this opportunity is available through the recently initiated spatial planning process, which would ensure that the benefits and implications of additional urban

⁴⁰ It is noted that the Government is aware of the restrictive nature of developer covenants and the Final Report of the Environment Select Committee on the RM Amendment Bill noted that the Government intends to undertake further work on this to establish whether law change or other intervention is required

growth are appropriately weighed against alternative spatial growth scenarios at a Greater Christchurch level.

91. Further to the above, and in light of the relevant statutory framework, I consider that rezoning of the land to Living 3 to be the most appropriate zone.

Specific issues raised in relation to the NPS-UD

92. At this point I briefly provide my opinion on three interrelated matters raised by some parties to this, and other, proceedings that suggest PC72 can still be enabled by the NPS-UD:

- (a) Firstly, that the NPS-UD requirement to enable housing needs equates to satisfying anticipated demand in each and every location within the urban area;⁴¹
- (b) Secondly, that the NPS-UD requires 'at least' sufficient development capacity and as such local authorities should be more enabling of development capacity; and
- (c) Thirdly, that the CRPS does not give effect to the NPS-UD and so the CRPS is somehow less relevant to decision makers.

Housing demand, available capacity and meeting needs by location

93. I acknowledge that the NPS-UD identifies that enabling a variety of homes - that meet the needs, in terms of type, price, and location, of different households - is integral to a well-functioning urban environment. I see this as a broad objective relevant to the whole urban environment and not in any way a requirement that applies to individual suburbs or townships. This is recognised in the provisions of 3.24(2) which enables housing demand assessments to determine "locations" in any way they choose.

94. From a locational perspective there is perhaps more direction provided by Objective 3, which seeks that 'more' people live in or near areas akin to the key activity centres of the CRPS or where there is high demand relative to other areas in the urban environment.

41 NPSUD Policy 1(a)(i).

- 95.** I note the plan change application material, and evidence provided by the applicant, regarding the high demand for new housing in Prebbleton, and that additional supply is required to meet that demand.⁴² I accept that demand for housing is high, however, that is, as I understand, the nature of the whole of the Christchurch housing market at present. I consider that the economic assessment accompanying the plan change application narrowly looks at supply and demand only in Prebbleton, which I consider artificial in the context of a small town adjacent to New Zealand's second largest city.
- 96.** Notwithstanding, the NPS-UD does not, in my view, require that all locations with high demand should increase supply. Just because there may be apparent demand, does not mean that it is the optimal location for further new development. Using demand as the driver for increasing supply at a particular confined location would mean that all of Greater Christchurch's more expensive suburbs (assuming demand is a factor in price) should increase the ability to be able to develop residential housing.
- 97.** As outlined earlier in my evidence, several important factors guide the policy framework provided by Chapter 6 and the resultant identification of additional development capacity through the recent Change 1. As one of the primary towns in Greater Christchurch, Rolleston is an important location for urban growth in this context; Prebbleton hasn't been identified as one of the receiving locations for FDAs. The newly introduced FDAs are recognition of this, and through the evaluation of Change 1 those areas were determined to be the most appropriate areas to achieve the overall outcome of a well-functioning urban environment. In my view, this is a relevant consideration for this request.
- 98.** Our Space also provides medium to long-term direction that a balanced and transitional approach is required to deliver against UDS outcomes and adapt to identified demographic and housing trends⁴³. This is reflected in Table 6.1A of Chapter 6 which adjusts the development

⁴² Plan change application, para 69, and Appendix 8 Economic Assessment, evidence of Fraser Colegrave

⁴³ Our Space, Section 5.7

capacity targets between the territorial authorities from 2028 to meet total projected demand for Greater Christchurch as a whole. The conclusion I draw from this is that the GCP and CRC consider the location of housing demand to be important but not determinative of the most appropriate location for development capacity.

- 99.** Consideration should be given to whether the development capacity provided through Chapter 6 and the SDP is sufficient and not overestimated in the 2021 HCA. This is particularly the case with the RM Amendment Act and MDRS which impose requirements for all qualifying residential zones to adopt the standards, including the ability to develop up to three houses on a site with no density requirement. This will apply to all of the urban areas of Greater Christchurch, with a requirement to notify an Intensification Planning Instrument (**IPi**) for all qualifying residential zones before August 2022. The MDRS can only be less enabling of development only to the extent necessary to accommodate one or more of the qualifying matters set out in s 77I-L.
- 100.** Although it will fall on expert witnesses from SDC to provide any detailed clarification on this matter, I highlight previous evidence that was filed in relation to Plan Change 73 and adopt it here:⁴⁴
- (a) The 2021 HCA is generally consistent with requirements for preparing a HCA as outlined in subpart 5 of the NPS-UD, including the use of population projections as the initial basis for an assessment of housing demand (adjusted as appropriate following consideration of other relevant information including for example building consents);
 - (b) The 2018 HCA incorporated a peer review process (including from an economist and officials representing MfE and the Ministry for Housing and Urban Development) and was considered generally fit-for-purpose;
 - (c) The study area for the 2021 HCA appears to differ from the 2018 HCA, the former now seemingly encompassing the full extent of the three territorial authorities as opposed to just the Greater Christchurch urban environment (as identified by Map A in the CRPS and Figure 1 in Our Space). Should areas

⁴⁴ Evidence of Keith Tallentire for CRC and CCC.

outside Map A be included in Table 3 of the 2021 HCA this could complicate an assessment of sufficient development capacity for the purposes of these hearings;

- (d) Change 1 is now operative and the FDAs are identified on Map A. Three private plan changes (PC75, PC76 and PC78) in the Rolleston FDA are already in train, which in total could enable nearly 1,200hhs, and notably there are only a limited number of submissions in opposition. In addition, on 27 August 2021, the Environmental Protection Authority (**EPA**) granted consents under the COVID-19 Recovery (Fast-track Consenting) Act 2020 for 970 lots that will extend the Farringdon subdivision in Rolleston,⁴⁵ thus meeting the medium-term capacity figures in Table 3 of the 2021 HCA;
- (e) Mr Colegrave distinguishes between capacity and likely market supply. While it is agreed that not all development capacity is likely to be released at the same time, the factors cited by Mr Colegrave as inhibiting the release of land would not be significant over the medium-term, being the relevant time horizon for the SDP to consider under the NPS-UD. Should material reasons arise that suggest otherwise, this can be highlighted and addressed as part of the spatial planning process. The 2021 HCA includes a section on development capacity that is 'reasonably expected to be realised', which analyses past developments trends to provide a more realistic capacity assessment from that which is simply plan-enabled.⁴⁶
- (f) Point-in-time assessments of development capacity are important benchmark reports to guide strategic planning, but these will always be able to benefit from the more regular and comprehensive monitoring and reporting required by the NPS-UD. The three-year cycle for completing HCAs (or in the first instance a NPS-UD deadline for a full housing and business assessment by December 2021) ensures that any new information, methodological improvements, and views from the development sector can be considered in an orderly manner

45 <https://www.epa.govt.nz/fast-track-consenting/referred-projects/faringdon/the-decision/>

46 2021 HCA, section 6.4

and across the entire urban environment rather than just at a local level.⁴⁷

- (g) In his evidence, Mr Colegrave does not consider the impact of the RM Amendment Act, and the increased capacity for development to take place through intensification, which the Government is seeking to provide for through the MDRS. While take-up of intensification opportunities will vary due to age of housing stock, financing of individual properties, and demand in particular locations, the introduction of the MDRS will, in my view, mean that estimates for land capacity and supply in existing urban areas is significantly underestimated by the HCA.

“At least” sufficient development capacity

101. As I explain in paragraph 66, and subject to any methodological clarifications that may arise through this hearing, in my view sufficient development capacity to meet expected housing demand over the medium term has already been identified (which led to Change 1, and the inclusion of FDAs).
102. Should any recalculations be required these could first be offset against the medium-term surplus capacity in Selwyn of between 3,667 and 4,961 households (depending on the assumed average number of households per hectare (**hh/ha**) shown in Table 3 of the 2021 HCA. Furthermore, and picking up on my paragraph 76, given the extensive upzoning in Christchurch City, across the whole urban environment there is a potential medium-term surplus of up to 92,453 households. It is noted that these figures will need to be revisited as a result of the RM Amendment Act which provides for significantly more development capacity within existing qualifying urban areas.
103. While this is clearly providing for ‘at least’ sufficient development capacity, there is no directive in the NPSUD to enable anything more than is sufficient. Providing ‘abundant’ development capacity could undermine the efficient and timely uptake of existing capacity, the direction to enable intensification in certain areas (based on certain

⁴⁷ Policy 10(c) and clause 3.21 of the NPSUD requires that engagement occur with the development sector, including on HCAs. I note that in June/July 2021 a survey was sent to development sector stakeholders to elicit feedback to inform the 2021 HCA.

criteria) and may run counter to CRC's statutory function to ensure integrated and strategic delivery of infrastructure with land use.⁴⁸ In my view, this integration should include consideration of effects in respect of the wider surrounding area, including neighbouring Districts i.e. within the Greater Christchurch urban environment.

IMPLICATIONS OF THE RESOURCE MANAGEMENT (ENABLING HOUSING SUPPLY AND OTHER MATTERS) AMENDMENT ACT

- 104.** The Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill was enacted on 20 December 2021. The Act sets out a range of changes with the intention of providing for greater provision for intensification in Tier 1 Councils, which includes Selwyn District. Mr Cleese addresses the Bill in his s42A report.⁴⁹ Mr Cleese notes that as drafted at the time of writing, the Bill (as it was) only applied to urban areas/townships of more than 5,000 people and would not apply to Prebbleton.
- 105.** Importantly, one of the benefits noted in the Cabinet paper introducing the bill is that enabling greater intensification will enable a range of benefits including more productive and efficient use of land, with less pressure for urban dispersal/sprawl,⁵⁰ and that it supports the Government's wider objectives for housing, resource management reforms, and climate change.
- 106.** The RM Amendment Act introduces MDRS to qualifying relevant residential zones. The MDRS provides for:
- (a) Permitted activity status to construct or use a building that complies with the density standards of the plan once incorporated;
 - (b) Controlled activity status for subdivision of land for those residential units;
 - (c) Up to 3 units per site (with no density standard)

⁴⁸ RMA section 30(1)(gb). This point was made in the recommendations report provided to the Minister as part of his approval of Change 1 under the streamlined planning process.

⁴⁹ S42A report at para 38-42

⁵⁰ <https://environment.govt.nz/assets/publications/resource-management-enabling-housing-supply-and-other-matters-amendment-bill-approval-for-introduction.pdf> at para 9

- (d) Building height up to 11m, or 12 with a pitched component
- (e) 4m + 60 degree recession planes (except the road boundaries, internal boundaries or common walls between sites);
- (f) 1m side and rear boundaries and 1.5m road boundaries;
- (g) Up to 50% building coverage;
- (h) Specified outdoor living space and outlook space;
- (i) 20% glazing on the streetfront;
- (j) Minimum 20% landscaped area.

107. Importantly, the provisions apply to qualifying areas in relevant residential zones. Relevant residential zones are defined as:

- (a) *means all residential zones; but*
- (b) *does not include—*
 - (i) *a large lot residential zone;*
 - (ii) *an area predominantly urban in character that the 2018 census recorded as having a resident population of less than 5,000, unless a local authority intends the area to become part of an urban environment;*
 - (iii) *an offshore island;*
 - (iv) *to avoid doubt, a settlement zone*

108. Urban environment is defined in s77F of the RM Amendment Act, and has the same meaning as set out in the NPS-UD. I understand the parties to agree that the urban environment applies to Greater Christchurch, and as such, Prebbleton is not excluded from the application of the MDRS, and these will apply across the district's townships within the Greater Christchurch Area, including Prebbleton. This has implications in terms of capacity for infrastructure, as well as yield for the range of plan changes before SDC.

SUBSTANTIVE MATTERS OF CONCERN REGARDING PC72

- 109.** As outlined above, in my view PC72 will not give effect to CRPS Objective 6.2.1(3) or Policy 6.3.1(4).
- 110.** It follows that in my view PC72 is inconsistent with SDP Objective B4.3.3 and Policy B4.3.1, and also pSDP Policy UG-P3 and UG-P13, as in my

view, the intent of these provisions is to give effect to the above provisions of the CRPS. I have attached these relevant provisions to my evidence in **Appendix 1**.

111. The plan change does not propose to amend the above objective and policy (which it could have), and therefore it is difficult to understand how the proposal for urban development meets the legal requirements for consideration of plan changes as outlined in para 30-32 of my evidence.
112. With reference to Objective 6.2.1 and 6.2.2 of the CRPS and the direction to achieve a consolidated urban form, while I agree that development in this location would result in a compact urban form, it does not avoid unplanned expansion of urban areas, and should in my view be considered through a comprehensive spatial planning exercise. As a result, I consider PC72 does not give effect to Objective 6.2.2 and that the urban component of PC72 is inconsistent with SDP Policies B3.4.4 and B3.4.5.
113. I note that the proposal is contrary to Policy 6.3.9.7 of the CRPS, which provides that “a rural residential development area shall not be regarded as in transition to full urban development”. The plan change is therefore also contrary to SDP Objective B3.4.6 which provides that:

Within the Greater Christchurch area covered by Chapter 6 to the Canterbury Regional Policy Statement, to provide for rural residential development only in the locations identified in the adopted Selwyn District Council Rural Residential Strategy 2014.

114. The CRC and CCC submissions also raise the following matters, which I address in more detail below:
- (a) Infrastructure;
 - (b) Transport and public transport;
 - (c) Residential density;
 - (d) Loss of highly productive land; and
 - (e) Contributing to a well-functioning urban environment.

Infrastructure

- 115.** CRPS Policy 6.3.5(2) seeks to ensure that the nature, timing and sequencing of new development is co-ordinated with the development, funding, implementation and operation of transport and other infrastructure. Policy 6.3.5(2)(e) states that this is in order to ensure new development does not occur until provision for appropriate infrastructure is in place.
- 116.** SDC has provided addition information in relation to provision of infrastructure for the following:⁵¹
- (a) Water supply;
 - (b) Wastewater; and
 - (c) Stormwater.
- 117.** Policy 6.3.5(2)(e) was drafted to ensure that new development provides for appropriate infrastructure and that its provision should be real and demonstrable, noting in the principal reasons and explanation that it states that it is important that timing and sequencing of development is aligned with funding and implementing of infrastructure. In this regard, I consider that it should be identified and budgeted for in a timely manner in an Annual Plan or LTP of the relevant local authority (unless it can be evidenced as being provided through a developer agreement or similar third party arrangement).
- 118.** This is supported by the principal reasons and explanation for Policy 6.3.5, which states that it is important that timing and sequencing of development are aligned with funding and implementation of infrastructure. I do not agree that evidence merely demonstrating that feasible servicing options exist is sufficient, or that site specific upgrades can be made, given the need to service a number of developments should further notified private plan changes be approved. Additionally, the upgrades have not been approved or consented, and it is not clear what the implications of additional intensification in Selwyn District as a result of the MDSR will have on capacity in the network.

51 S42A Report Appendix A Water/Wastewater/Stormwater Servicing, Murray England

119. Mr England concludes, in his Infrastructure Review Report for SDC, that there is additional capacity for growth within existing water takes, and that while the consented allocation will be put under pressure, should the plan change be approved in whole or in part, consented water can be made available.⁵² As such, there are no issues as to supply of water.
120. Mr England notes that conveyance of wastewater to the Pines Waste Water Treatment Plan (**WWTP**) is feasible, but this is subject to the timing of critical infrastructure works taking place. Mr England also notes that while there is capacity within the Prebbleton Terminal PS to accept flows from this plan change, that there are other private plan changes lodged in addition to this including PC68 and PC79, and that capacity may not be available for all. No discussion is provided on whether allocation would take place on a first-come first-served basis, however Mr England as advised this will be updated at the hearing.⁵³ Given capacity might not be available for all of the private plan change applications, this highlights the difficulty of catering for this unplanned growth, and the potential downstream implications for capacity generally (including within zoned land).
121. In relation to wastewater treatment Mr England states that the WWTP is currently at or near capacity with upgrades currently underway and additional upgrades planned and budgeted for. He states that the current connected catchment (2021) has a population equivalent of approximately 42,000 – 45,000 person equivalents (**PE**).⁵⁴
122. In relation to stormwater, Mr England is satisfied that provision of stormwater management for the site is appropriate. I acknowledge that Mr England is satisfied that feasible options are available, and that there are processes in place to consider the detail of those options through the subdivision and engineering approval processes. However he considers further information is warranted to identify where the stormwater outfalls will be located.

⁵² S42A Report Appendix A para 13

⁵³ Ibid para 31

⁵⁴ Ibid, paragraph 20-21.

123. I understand the current operational consents granted by CRC for the WWTP allow for up to 47,777 PE and that there has been no application to increase this.
124. In the s42A Report for PC67 (West Melton), Ms White agreed that *“there is a need to go beyond the application of a “first in first served” allocation of reticulated services, particular where doing so would use up capacity intended to service planned growth, or where it would prevent the development of potentially more suitable locations”*.⁵⁵
125. Land within the Rolleston FDA has already been enabled through consents granted by the EPA, or is the subject of notified plan changes⁵⁶, and significant planned development is signalled for the wider townships of Selwyn that is ultimately reliant on capacity at the WWTP. Other notified plan changes exist beyond the PIB in the Greater Christchurch area of Selwyn District (including PC73, which seeks over 2000 dwellings). It is not clear whether Mr England has looked at the cumulative impact of the planned, or unplanned, growth on the existing network, on the basis that they could all potentially be approved and create demand on an already stretched network.
126. In my view, approving PC72 could potentially undermine the timely delivery of other land already identified for planned urban development within the PIB (and the FDAs) that will be reliant on the remaining infrastructure capacity at the Pines WWTP until such time as upgrades are completed and the full range of consents are obtained. There is therefore a degree of uncertainty in this space, which warrants in my view a conservative approach.
127. A further complicating factor for infrastructure planning is the RM Amendment Act, which, will have a considerable impact on the demand for infrastructure capacity in existing and new development areas within the Selwyn District. This Act provides for significantly greater levels of development, with up to three houses on sites and no density standards,

⁵⁵ Section 42A Report for PC67 (West Melton), paragraph 74.

⁵⁶ Hughes Developments: consented Covid-19 Fast-track application (80ha, 970hhs); Hughes Developments: Lodged PC70 (63ha, 800hhs); Four Stars/Gould Developments: Notified PC71 (53ha, 660hhs); Rolleston West Residential Limited: Notified PC73 (160ha, 2100hhs) Yoursection: Notified PC75 (24ha, 280hhs); Dunweavin: Notified PC76 (13ha, 155hhs); Urban Estates: Notified PC78 (63ha, 750hhs).

in qualifying areas, as well as increased building coverage and heights. This will result in increased infill housing and increased pressure on the stormwater, wastewater and water supply networks. This creates uncertainty around whether the proposed infrastructure requirements in relation to wastewater treatment at the Pines Wastewater Treatment Plant will be sufficient. No analysis appears to have been done at this early stage of the Act coming into force.

Transport

- 128.** CRPS Objective 6.2.4 prioritises the planning of transport infrastructure so that it maximises integration with land use patterns and facilitates the movement of people and goods and provision of services in Greater Christchurch, while: (1) managing network congestion; (2) reducing dependency on private motor vehicles; (3) reducing emission of contaminants to air and energy use; (4) promoting the use of active and public transport modes; (5) optimising use of existing capacity within the network; and (6) enhancing transport safety.
- 129.** Objective 6.2.4 is supported by CRPS Policies 6.3.3, 6.3.4 and 6.3.5, , with Policy 6.3.4 (2) stating that an efficient and effective transport network is achieved by: *“providing patterns of development that optimise use of existing network capacity and ensuring that, where possible, new building projects support increased uptake of active and public transport, and provide opportunities for modal choice”*.
- 130.** CCC is specifically concerned that the Integrated Transport Assessment (ITA) shows that the vast majority of residents commute from Prebbleton to Christchurch for work (72%). No additional employment opportunities are provided for as part of PC72, and so it is expected that the commuter contribution will remain at least at this level. There has been no demonstration as to how the proposal will contribute to reduced greenhouse gas emissions, which is a requirement for a well-functioning urban environment, as compared to development within existing public transport serviced urban areas (such as in Christchurch City).

131. Mr Mat Collins, for SDC, has provided a comprehensive review of the ITA and PC72.⁵⁷
132. Mr Collins does not assess effects on the wider transport network but does conclude: *“PPC72 is inconsistent with the Prebbleton Structure Plan, in that it is outside the anticipated urban area. Should PPC72 affect the quantum of residential growth within Selwyn, without a corresponding increase in local employment and access to services, additional impact on the Greater Christchurch transport network can be expected as additional residents in Selwyn travel to access services and employment. However, assessing the effects of such development on the long term planning and funding commitments associated with bulk transport infrastructure is complex and requires assessment of multiple land use scenarios at a district or regional level”*.⁵⁸
133. This is a key concern for CCC, particularly when considered in combination with other plan changes that are proposed within the Selwyn District that have not been planned for at a strategic level. In my opinion, approval of these plan changes (and PC72), in combination with the MDRS, could result in significant cumulative impacts on the transport network. There is no indication that the implications of the MDRS have been taken into account as part of the transport modelling, which will likely impact on potential yield along with associated transport impacts.
134. I consider PC72 will contribute to cumulative downstream effects for Christchurch City where many of the ultimate destinations of Prebbleton residents lie, and where levels of service in relation to traffic congestion are already poor. Modelling indicates that average speeds at the AM peak period could fall substantially by 2048, especially for trips between Selwyn, Waimakariri and Christchurch. Average travel speeds in the morning peak could reduce by over 6km/h over the next 30 years (from 42km/h in 2013 to 36km/h in 2048).⁵⁹
135. In raising these concerns I note that several strategic transport assessments undertaken for Our Space and the Future PT Business

57 S42A report, Appendix B Transportation Review, Mat Collins

58 Ibid page 14.

59 Greater Christchurch PT Business Case: <https://www.ecan.govt.nz/your-region/living-here/transport/public-transport-services/future-public-transport>, p5.

Case have already been undertaken. The Housing Interactions analysis that informed Our Space concluded: “A sensitivity test for 2048 was also modelled to test the extent to which the location of growth has an impact on the transport network. The same projected population growth total for Greater Christchurch was used, but a higher proportion of the growth was distributed to Christchurch City, rather than Selwyn and Waimakariri Districts. The results of the sensitivity test demonstrated that the location of land use growth can significantly impact the distribution of trips and the resulting levels of congestion, with marginally better average speeds and travel times with a higher proportion of the growth distributed to Christchurch City”.⁶⁰

- 136. In my view, effects on the wider transport network have not been adequately addressed by the Applicant’s ITA (nor any of the transport evidence provided as part of this hearing) or mitigated by PC72. Notably, the plan change process limits the extent to which alternative locations can be appropriately considered.
- 137. In relation to population growth in Greater Christchurch, the vision section of the Regional Public Transport Plan (**RPTP**) states: “*The integration of public transport and land use planning is essential to managing this growth*”. In my view, the RPTP and the public transport business cases demonstrate a clear intent to seek to provide a more attractive public transport service to key towns in Greater Christchurch, such as Prebbleton. Those documents also note that this is not an overnight investment or task. Any approval of unplanned or out-of-sequence development in the meantime, particularly outside the PIB, could inhibit the integrated and strategic approach to delivery of efficient and effective public transport.
- 138. In my view, development should therefore be commensurate with the level of accessibility already existing or planned, not reliant on a future level of public transport service that is unplanned, unfunded and runs counter to the stated policy directions of statutory documents, which as noted previously seek integration of land use and infrastructure⁶¹, and

⁶⁰ <https://www.greaterchristchurch.org.nz/assets/Documents/greaterchristchurch/Capacity-Assessment-reports/Housing-and-Business-Development-Capacity-Assessment-Summary.pdf>, p41

⁶¹ CRPS Policy 6.3.5

that development is infrastructure-ready.⁶² Doing so ensures that development is both strategic and integrated, and development outside of planned infrastructure areas potentially limits development of land within existing and strategically planned areas.

139. Overall, in my view PC72 does not support the integration of land use and transport infrastructure (CRPS Policy 6.3.5) and would impede the maintenance of an efficient and effective transport network (CRPS Policy 6.3.4). As such I consider PC72 is also inconsistent with Policy B2.1.13 of the SDP that requires “*consolidated land use patterns that will reduce the demand for transport*”.
140. I further address the greenhouse gas emission effects of PC72 below, when considering whether this request would contribute to a well-functioning urban environment.

Residential density

141. CRC and CCC have concerns regarding the density and housing typologies proposed by PC72. CRPS Policy 6.3.7 requires minimum net densities to be achieved, in order to:
- (a) efficiently utilise identified land;
 - (b) help create a compact urban form that can be served efficiently by infrastructure, including public transport; and
 - (c) help ensure that housing supply and housing choice, including affordable housing options, meet demand.
142. I acknowledge that Policy 6.3.7(3) specifies minimum net densities to be achieved in various locations, but that it does not account for the development of unplanned proposals such as PC72. I also acknowledge that the applicant proposes an average minimum net density of 12hhs/ha and that this is above that set for greenfield priority areas when Chapter 6 was inserted into the CRPS.

⁶² NPS-UD Clause 3.4(3) and 3.5

143. Nevertheless, as outlined in para 88, and according to the 2021 HCA, the trends in housing needs will require a significant increase in the supply of smaller and multi-unit dwellings across a broader range of tenures. Higher densities will also support greater uptake and patronage of public transport, where it is provided.
144. In my view, before PC72 warrants approval, it would need to propose typologies and tenures that can meaningfully set it apart from other developments currently being advanced within the PIB. As noted above, I consider that the criteria that are yet to be developed by CRC will engage with demand, typologies and needs in this way, and that any assessment of significance in the meantime should directly consider these aspects.
145. Evidence to demonstrate the appropriateness of higher densities is cited by the CCC submission, which refers to Action 3 in Our Space to review appropriate densities for new greenfield developments. This review has now been completed and the resultant report concluded that on a case-by-case basis 15 hh/ha is both desirable and feasible as the minimum net density in new greenfield areas.⁶³
146. A further action in Our Space (Action 2) led the GCP to commission Community Housing Aotearoa (**CHA**) to investigate future social and affordable housing needs across Greater Christchurch, to assist in developing an action plan to increase provision. CHA highlighted the challenges of increasing such provision in housing markets primarily through greenfield subdivisions and noted research undertaken as part of the Building Better Homes, Towns and Cities (**BBHTC**) National Science Challenge that identifies the prevalence of private land covenants as inhibiting the provision of more affordable housing.
147. Notwithstanding this, with the RM Amendment Act being enacted, this will likely provide significantly more development capacity if the plan change is approved and subsequently varied by SDC (noting again the adverse impact this could have on three-waters and transport infrastructure).

63 https://www.selwyn.govt.nz/__data/assets/pdf_file/0005/475466/UG-Chapter-Appendix-3-HG-Greenfield-Density-Analysis.pdf

Loss of highly productive land

148. The proposed development will result in the loss of land that is considered “highly productive land”, in this instance being Land Use Capability (**LUC**) Class 1 and 2 soils, which is the subject of the recent Proposed National Policy Statement on Highly Productive Land (**proposed NPS-HPL**). The evidence of Ms Aston notes that she considers the loss of the soils to urban development as insignificant.⁶⁴
149. While it is acknowledged that the contribution of 10-12 hectares of land is not a significant area of highly productive land, the cumulative impact of loss of finite soils over time to urban development could potentially be significant.⁶⁵ From 1990-2008, 4,800 hectares of LCU 1 and 2 land was lost to urban expansion in Canterbury. While I acknowledge that Living 3 zoning of the site will result in rural-residential land, and is unlikely to result in economic farming units, I do consider that some productive use would still be able to occur. This could be through the use of self-sufficient production, or small scale horticulture where food can be produced for farmers’ markets or similar.
150. I consider that such decisions regarding expansion on to highly productive land should be made following a strategic review of development options across a district and sub-regional basis, enabled through processes such as Our Space, and Greater Christchurch 2050. That will ensure that where greenfield expansion is to occur, that urban growth is directed to areas that do not comprise the most valuable soil resources, or that at least, options are evaluated at a region wide scale to determine the most appropriate location for development.
151. To this extent, I do not support additional urban expansion onto LUC 1 and 2 land in this location.

⁶⁴ Evidence of Ms Fiona Aston at para 41

⁶⁵ Page 23 <https://www.mpi.govt.nz/dmsdocument/36624-Discussion-document-on-a-proposed-National-Policy-Statement-for-Highly-Productive-Land>

Well-functioning urban environment

152. Policy 1 of the NPS-UD describes well-functioning urban environments as those that, as a minimum below (my emphasis in **bold**):

- (a) have or enable a variety of homes that:
 - (i) **meet the needs**, in terms of type, price, and location, of different households; and
 - (ii) enable Māori to express their cultural traditions and norms; and
- (b) Have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and
- (c) **Have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport;** and
- (d) Support and limit as much as possible adverse impacts on the competitive operation of land and development markets; and
- (e) **Support reductions in greenhouse gas emissions;** and
- (f) Are resilient to the likely current and future effects of climate change.

153. Expanding on Policy 1(c), and in relation to Policy 8, clause 3.8 requires that unanticipated or out-of-sequence plan changes must be '*well-connected along transport corridors*'.

154. The MfE guidance states that ideally transport corridors should be connected via a range of transport modes and proximate to amenities and services. The guidance goes on to state that, if possible, people should not need to rely solely on private vehicles to travel to other urban areas, or to access essential services like employment, and health or community services. It further states that ideally, developments under this policy will be transit-orientated with mixed land uses and densities.⁶⁶

⁶⁶ *ibid*, Footnote 25.

- 155.** As I have outlined already, I do not consider PC72 achieves Policy 1(a) or (c), or that the request is currently or will be well-connected to or along transport corridors.
- 156.** I also consider that the reliance on private vehicle use for residents will inevitably prevent PC72 from supporting reductions in greenhouse gas emissions (which is required by Policy 1(e)).
- 157.** In the s42A Report, Mr Clease agrees that PC72 may not support reductions in greenhouse gases (primarily due to a reliance on private vehicles) but caveats this with a view that the same situation arises currently in relation to existing zoned land or land identified for future development elsewhere in Selwyn District. He also notes that Prebbleton is closer to Christchurch City relative to other growth options located in Selwyn District, and therefore arguably reduces the potential for greenhouse gas emissions relative to other growth options in Selwyn District.⁶⁷ In my opinion, I do not consider this a logical conclusion to draw, because the proposed development is in addition, not in substitution, to other growth areas. The fact that this other land is already zoned is not directly relevant, as those decisions were made prior to the NPSUD, rather than post-dating that higher level policy document. In my view, there is a need to complete a comparison to intensification opportunities closer to employment centres, such as within Christchurch City.
- 158.** Mr Clease does not tie the requirement back to the NPS-UD requirement that such development contributes to well functioning environments, which at a minimum, support reductions in greenhouse gas emissions. No aspect of the proposal looks to achieve this requirement, in particular there is no quantification of this, nor any proposal to look how reductions might be achieved. This is a significant issue for all of the private plan changes before Selwyn District Council, and one of the key objectives of the NPS-UD.⁶⁸ I consider the current analysis of this issue to be inadequate (by both the applicant and SDC), and it is difficult to understand how a conclusion can be reached that the proposal will

⁶⁷ S42A Report, para 180, 181

⁶⁸ NPS-UD Objective 8

contribute to a well-functioning urban environment⁶⁹ in the absence of any robust evidence or analysis.

- 159.** Land identified for future development (i.e. planned development) has been considered through a detailed, comprehensive spatial planning exercise, which comprises multiple facets. While not all land within the existing GPAs and FDAs may deliver on every NPS-UD or CRPS policy now, it can be reasonably expected that this will occur as a result of the strategic planning and infrastructure that will 'unlock' that land for development (including public transport development). The distinction with PC72 is that it is unplanned, and should be required to demonstrate that it will support a reduction in greenhouse gases, which it has not.
- 160.** I note that the recent mode shift plan for Greater Christchurch, prepared by Waka Kotahi with the GCP,⁷⁰ states that land transport currently accounts for 41% of greenhouse gas emissions in Greater Christchurch. This recognises the significant contribution of private vehicle use to greenhouse gas emissions and climate change.

Conclusions

- 161.** I do not oppose the provision of rural residential development on the site, at a density of 1-2 households per hectare, as provided by the standard Living 3 Zone. In reliance on the above discussion, I consider that this is the most appropriate option for giving effect to the higher order planning documents, and would not be contrary to the directions of the NPS-UD. Living 3 Zone would still need to give effect to the provisions set out in CRPS Policy 6.3.9.
- 162.** I do not consider that the primary relief sought for PC72 for urban development will provide significant development capacity, and I do not consider that the proposal will meet the other requirements of Policy 8 of the NPS-UD. In my view, this assessment means that PC72 does not qualify for responsive decision making under Policy 8 of the NPS-UD.

⁶⁹ S42A Report, para 184

⁷⁰ <https://www.nzta.govt.nz/assets/resources/keeping-cities-moving/Christchurch-regional-mode-shift-plan.pdf>

- 163.** Notwithstanding this, I consider that the avoid framework established by Chapter 6 of the CRPS, which must be given effect to in this case, requires that this plan change be declined. Taking into account the statutory framework for the consideration of plan change requests, I consider the Living 3 Zone to be the most appropriate zone to achieve the objectives of the SDP and the higher order planning documents.
- 164.** As a result, I consider that the PC72 request, to the extent that it seeks Living Z Zone must be declined.

Dated this 21st day of January 2022



.....
Marcus Langman

Objective B4.3.3

*For townships within the Greater Christchurch area, new residential or business development is to **be provided within existing zoned land or priority areas identified in the Regional Policy Statement** and such development is to occur in general accordance with an operative Outline Development Plan.*

Policy B4.3.1

Ensure new residential, rural residential or business development either:

- Complies with the Plan policies for the Rural Zone; or*
- The land is rezoned to an appropriate Living Zone that provides for rural-residential activities (as defined within the Regional Policy Statement) in accordance with an Outline Development Plan incorporated into the District Plan; or*
- The land is rezoned to an appropriate Living or Business zone **and, where within the Greater Christchurch area, is contained within existing zoned land and greenfield priority areas identified in the Regional Policy Statement** and developed in accordance with an Outline Development Plan incorporated into the District Plan.*